

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

**JOE DALE MARTINEZ AND
FIDENCIO LOPEZ, JR., Individually
and on behalf of all others similarly
situated;**

Plaintiffs,

v.

REFINERY TERMINAL FIRE COMPANY

Defendant

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Civil Action No. 2:11-cv-295

**COLLECTIVE ACTION
PURSUANT TO 29 U.S.C. § 216(b)**

**ORDER DENYING DEFENDANT REFINERY TERMINAL FIRE COMPANY'S MOTION
TO DISMISS PURSUANT TO 12(b) FOR FAILURE TO STATE A CLAIM**

On this ____ day of _____, 2011 the Court considered Defendant's motion and Plaintiffs' response, the submissions of each party in support and opposition, and the arguments of counsel.

After considering the pleadings and arguments of counsel, the Court is of the opinion that Defendant Refinery Terminal Fire Company's Motion to Dismiss Pursuant to 12(b) for Failure to State a Claim should be DENIED.

IT IS, THEREFORE, ORDERED ADJUDGED and DECREED Defendant Refinery Terminal Fire Company's Motion to Dismiss Pursuant to 12(b) for Failure to State a Claim is DENIED.

SIGNED on this _____ day of _____ 2011.

NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE